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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

	Application No.	Applicant(s)
	10/737,184	KURCEREN ET AL.
Office Action Summary	Examiner	Art Unit	
	David N. Werner	2621	

-- *The MAILING DATE of this communication appears on the cover sheet with the correspondence address* --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS,
WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed
  after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any
  earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☒ Responsive to communication(s) filed on <u>06 July 2009</u>.

2a) ☒ This action is FINAL. 2b) ☐ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is
closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) <u>2-19,21-23,25,27-29,31 and 32</u> is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) ☐ Claim(s) _____ is/are allowed.

6) ☒ Claim(s) <u>2-19,21,25,27-29,31 and 32</u> is/are rejected.

7) ☐ Claim(s) _____ is/are objected to.

8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) ☐ The specification is objected to by the Examiner.

10) ☒ The drawing(s) filed on <u>08 June 2007</u> is/are: a)☒ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All b)☐ Some * c)☐ None of:

      1. ☐ Certified copies of the priority documents have been received.

      2. ☐ Certified copies of the priority documents have been received in Application No. _____.

      3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage
         application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____.

4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.

5) ☐ Notice of Informal Patent Application

6) ☐ Other: _____.

DETAILED ACTION

1.   This Office action for U.S. Patent Application 10/737,184 is responsive to communications filed 24 June 2009. Currently, Claims 2–19, 21–23, 25, 27–29, 31, and 32 are pending.

2.   In the previous Office action, Claim 21 was objected to as dependent on a canceled claim. Claims 2–12 were rejected under 35 U.S.C. 101 as non-statutory. Claims 27–32 were rejected under 35 U.S.C. 112, first paragraph, as containing new matter. Claims 2–10, 13–19, 21–23, 25, 27–29, and 31 were rejected under 35 U.S.C. 103(a) as obvious over U.S. Patent 5,802,226 A (Dischert et al.) in view of U.S. Patent 6,526,099 B1 (Christopolous et al.). Claims 11, 12, and 32 were rejected under 35 U.S.C. 103(a) as obvious over Dischert et al. in view of Christopolous et al. and in view of U.S. Patent 5,477,276 A (Oguro).

Response to Amendment

3.   Applicant's amendments to the claims have been fully considered. The rejection of Claims 2–12 under 35 U.S.C. 101 is withdrawn.

Response to Arguments

4.   Applicant's arguments filed with respect to the new matter rejections have been fully considered but they are not persuasive. Applicant states that figure 11 and page 14: line 31 to page 15: line 7 of the specification sufficiently disclose the claimed

computer-readable storage medium, specifically as a software program embedded or embodied in a storage medium or memory. *Remarks*, pp. 7–8. The specification at page 14: line 31 describes a "block 22" shown in figure 11 that provides a video effect. Figure 11 illustrates block 22 as a rectangle labeled "α(t)" containing software 422. The specification describes software 422 as "a software program". *Specification* at 14:32. However, the specification does not describe the block 22 as a computer-readable storage medium or a memory. The specification does not describe software 422 as embodied within a computer-readable storage medium or memory, contrary to Applicant's statements in the remarks indicating otherwise. Software Program 424 is also shown in figure 11 as its own component, not as embedded in any other device that may interpreted as a memory. Page 15: lines 1–7 of the specification only describe the software program 424 in terms of its code and its function, not as embedded in a memory or storage medium. There is absolutely no reference to the claimed "computer readable storage medium" or "memory" described in pages 7 and 8 of the remarks within the specification or figure 11. Accordingly, the rejection of claims 27–32 as containing new matter is maintained.

5.   Applicant's arguments filed with respect to claims 1, 13, and 18 under 35 U.S.C. 103(a) have been fully considered but they are not persuasive. Applicant states first, in pages 8–10 of the arguments, that a combination of the Dischert and Christopolous references in which Dischert shufflers are removed would make the trick-play functionality of the Dischert reference inoperable. Applicant concludes in pages 10 and

11 first, that the alleged inoperability of the two references is evidence of no suggestion to modify or combine the references, and second, that the modification of the Dischert reference by removing the shufflers and the combination would change the principle of operation of the Dischert reference is evidence of non-obviousness to combine the two references.   For the purpose of expediting prosecution alone, it will be assumed *arguendo* in this Office action that Applicant's description of the fast-forward methods of the Dischert reference, including the use of the shuffler, given in pages nine and ten of the remarks are accurate. Also, for the purpose of expediting prosecution alone, it will be assumed *arguendo* in this Office action that the shuffler of Dischert is required for proper trick-play functionality.

I.   The trick-play functionality of *Dischert* is outside the scope of the present invention

The present invention is directed to "a video editing apparatus" (Claim 2), an apparatus for "editing data" (claim 13), or an apparatus for providing "an editing effect". There is nothing in the claims that suggests that it is required that this editing is operable on video input or played back at high speed. Applicant states that the Figures 4–6 embodiment of the Dischert reference is directed to "producing a mixed audio/video signal during trick play modes", particularly fast-forward. *Remarks* at 8. *Dischert* states in column 4: lines 40–43 and 50–51 that the shuffler of figure 4 "provide[s] more accurate image reproduction during trick play modes (such as fast forward)". Figure 5 illustrates a playback head 526 used for reading trick-play signals (column 5: lines 14–

16). However, the playback apparatus of figure 5 also includes a playback head 418 which reads signals at regular speed. This is the only mention of trick play in the Dischert reference. The title, the abstract, figures 8–10, and the first two columns of the Dischert reference, in contrast, robustly discuss a fade effect or mixing or editing of video data. It is the fade effect functionality, not the trick play functionality, which is discussed in the claim rejections. Even if the removal of the shuffler of the Dischert reference made it useless for fast forward, Applicant has presented no evidence that the shuffler is required for the fade effect or mixing or editing functionality within the scope of the present invention.

II. **Applicant is improperly using the "unsatisfactory for its intended purpose" test**

Applicant cites MPEP 2143.01(V) and *In re Gordon*, 733 F.2d 900, 221 USPQ 1125 (Fed. Cir. 1984) to state that the removal of the shuffler of *Dischert* would render it unable to function in a trick-play mode. *Remarks* at page 10. Under MPEP 2143.01(V) and *Gordon*, if a proposed modification to a prior art invention would render the prior art invention unsatisfactory for its intended purpose, then there is no suggestion or motivation to make the proposed modification. Applicant's analysis of the "intended purpose" test and reliance on *Gordon* is improper. While the removal of the shuffler of Dischert may make it unsuitable for trick play, Applicant has made no suggestion that the removal of the shuffler would hinder the fade operation, mapped with the editing function actually claimed.

In *Gordon*, the claimed invention recited features of "a blood inlet located in the region of said bottom end and opening into said bottom end" and "a blood outlet located in the region of said bottom end". *Gordon*, 221 USPQ at 1126. The purpose of the claimed invention was for filtering foreign materials from blood, and returning the filtered blood to a patient's body through the outlet. *Id.* It operated by a physical filter and a gas vent at the top of the device. *Id.* The examiner cited a prior art device with an inlet and outlet both at the top end of the device, and alleged that it would be obvious under 35 U.S.C. 103 to reproduce the claimed invention by turning the prior art device upside-down. *Id.* at 1127. The prior art device was a gravity-powered gasoline filter, in which lighter gasoline floated on top of water and dirt impurities, and could be skimmed or removed from the top of the filter device through an outlet. *Id.* The Federal Circuit Court disagreed with the examiner and the Board, stating that turning the gravity-powered prior art device upside-down would render it inoperable. *Id.* The court particularly noted that the outlet of the prior art device would allow water to flow out of the outlet instead of lighter gasoline as desired. *Id.* Then, in *Gordon*, the modification would render the claimed outlet inoperable for its intended purpose of trapping and filtering out water from gasoline. *Id.* The court thus found the 103 rejection was improper. *Id.*

The present situation is distinguished from *Gordon* in that in the present invention, there is no **claimed component** mapped with the shuffler, as there was a claimed outlet mapped with the prior art outlet in *Gordon*. If, for example, it could be shown that the combination of the Dischert and Christopolous references or the removal

of the shuffler of Dischert would make mixer 80 mapped with the "summer" of claim 13 inoperable, then this may be sufficient to show an improper 103 rejection. However, Applicant did not discuss why the shuffler was necessary for any of the components of the claimed invention to function. In *Gordon*, the Court showed that the modification of the prior art outlet mapped with the **claimed outlet component** would make the prior art outlet inoperable. In contrast, Applicant did not demonstrate that any modification to any *Dischert* component mapped with a **claimed component** would make any claimed component unsatisfactory for operation. Likewise, Applicant did not discuss why the shuffler of Dischert is required for any editing, mixing, or fading operation, but only why it is needed for trick play functionality. Applicant did not show that the proposed combination would make the Dischert reference unsuitable for the **claimed function** of editing. This is different from *Gordon* in which the modification of the prior art device rendered it unsuitable for the **claimed function** of filtering. Because of this, MPEP 2143.01(V) and *Gordon* are not applicable.

III.   **Applicant is improperly using the "change the principle of operation"**
test

Applicant cites MPEP 2143.01(VI) and *In re Ratti*, 270 F.2d 810, 123 USPQ 349 (CCPA) to state that the removal of the shuffler of *Dischert* and addition of the residual data of *Christopolous* would render the *Dischert* device "unsatisfactory regarding its trick play modes" or "less accurate or even non-functional". *Remarks* at pages 10–11. Applicant's analysis of the "principle of operation" is incorrect. It is granted that any

combination of references changes some functionality of the individual references. However, Applicant has failed to show that the combination of *Dischert* and *Christopolous* or the removal of the *Dischert* shuffler would change the principle of operation of the fade, edit, or mix functionality of *Dischert*, or the principle of operation of a component of *Dischert* mapped with a component of the claimed invention. While the combination of *Dischert* and *Christopolous* or the modification of *Dischert* may change the principle of operation of trick-play in *Dischert*, it does not appear that the shuffler is used at all in the fade, mix, or edit operations. Because of this, MPEP 2143.01(VI) and *In re Ratti* are not applicable.

IV.   **Applicant is applying an improper bodily incorporation standard**

Applicant states that since the Dischert reference, as a whole, cannot be combined with the Christopolous reference, since this combination would require the shuffler of Dischert to be removed to impart functionality. However, there is no limitation in the present invention that was mapped with the shuffler of Dischert. *Office action* at pages 8, 11. The test for obviousness is not whether the features of a secondary reference may be bodily incorporated into the structure of the primary reference; nor is it that the claimed invention must be expressly suggested in any one or all of the references. Rather, the test is what the combined teachings of the references would have suggested to those of ordinary skill in the art. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981).

Compare with a more physical analogy. Suppose there is an application for a computer mouse that is wireless and uses optical tracking. The claims do not recite how many buttons the mouse has. The application is rejected under 35 U.S.C. 103(a) as obvious over a two-button mouse that uses optical tracking but uses a cord, and a one-button mouse that is wireless but uses a trackball. It would make no sense to say that you cannot combine the teaching of the first mouse of optical tracking and the teaching of the second mouse of wireless communication since the combination of the two references would require one of the buttons of the first mouse to be removed, preventing right-click functionality. The lack of the right button would not render either the claimed optical tracking or the wireless communication unsatisfactory for their intended purposes: operating as an input device. The lack of the right button would not change the principle of operation of either the optical tracking or the wireless communication, even though there would no longer be wireless signals indicating a right click of the mouse. The fact that the two prior art mice have different numbers of buttons would be irrelevant to the showing that they demonstrated that all components of the claimed application were known in the prior art, and would not be sufficient to overcome a *prima facie* case that it would have been obvious to combine their individual teachings of optical tracking and wireless communication.

In this case, it is not required for the *Dischert* reference as a whole to be modified to incorporate the residual data of *Christopolous*. Rather, it is only necessary to show what the combined teachings of the individual references, specifically the transform-

domain edit of *Dischert* and the residual data of *Christopolous*, would suggest to those of ordinary skill in the art.

Considering the above, all claim rejections on the prior art are maintained.

Claim Rejections - 35 USC § 112

6.   The following is a quotation of the first paragraph of 35 U.S.C. 112:

> The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

7.   Claims 27-32 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. Claims 27-32 are directed to a "computer readable storage medium", first claimed as such in the amendment of 09 October 2007. There is no support in the specification for the claimed "computer-readable storage medium", with the specification instead only briefly mentioning in page 1 a "PC platform". Software programs 422 and 424 are only described in page 14 and 15 of the specification as software *per se*, not programs embodied on the claimed "computer-readable storage medium". Accordingly, the "computer-readable storage medium" constitutes new matter.

Claim Rejections - 35 USC § 103

8.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set
> forth in section 102 of this title, if the differences between the subject matter sought to be patented and
> the prior art are such that the subject matter as a whole would have been obvious at the time the
> invention was made to a person having ordinary skill in the art to which said subject matter pertains.
> Patentability shall not be negatived by the manner in which the invention was made.

9.   Claims 2-10, 13-19, 21-23, 25, 27-29, and 31 are rejected under 35 U.S.C.

103(a) as being unpatentable over US 5,802,226 A (Dischert et al.) in view of US

6,526,099 B1 (Christopolous et al.). Dischert et al. teaches a video editor that operates

on frequency-domain video (abstract).

Regarding claim 2, figure 4 of Dischert et al. shows video streams inputted into

coder 410 and encoder 412, and figure 5 shows video streams inputted into multiplexer

514. In the recording apparatus of figure 4, the data is coded within coder 410, which

contains a DCT module, as shown in figure 8 (column 6: lines 22-47). This DCT

encoding is the claimed step of obtaining transform coefficients representative of video

data. Next, the coded data is mixed with a secondary signal in mixer 80, (column 6:

lines 39-47), producing a fade effect (column 7: lines 1-26). This is the claimed step of

modifying the transform coefficients to achieve a video effect.

Dischert et al. is silent on residual video data or error video data. Christopoulos

et al. teaches a transcoder that operates on spatial domain or frequency domain

(abstract). Regarding the residual data in claim 2, Christopoulos et al. operates on

video that has been coded with motion-compensated predictive coding, according to a

standard video codec such as H.261 or H.263 (column 3: lines 15-17). In predictive

coding, instead of transmitting every pixel value, instead only the variation between pixels is transmitted (column 1, lines 40-49).

Dischert et al. discloses the claimed invention except for modifying residual error video data. Christopoulos et al. teaches that it was known to perform functions on predictive-coded video data. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the fade effect device of Dischert et al. to operate on predictive-coded video data, as taught by Christopoulos et al., since Christopoulos et al. states in column 1: lines 15-31, that such a modification would improve the compression ratio of a coded video signal.

Regarding claim 3, in Christopolous et al., a predictive (P) frame or a bidirectional (B) frame comprises motion compensated data comprising motion vectors and prediction error data, in accordance with a video codec such as H.263 (column 14: line 53–column 15: line 19).

Regarding claim 4, the DCT operation in DCT 60 in Dischert is considered a technique of video compression.

Regarding claim 5, the mixer of Dischert et al. operates over a time domain in which coefficients J and K vary over time to produce the fade effect (column 7: lines 1-26).

Regarding claim 6, as shown in figure 8 of Dischert et al., while a video signal may come from an uncompressed source that is encoded with the DCT transform in the mixer, a video signal may also be input into the mixer via a partial decoder comprising variable-length decoder 86, run-length decoder 84, and de-quantizer 82 (column 6: lines

29-40). Then, Dischert et al. discloses performing an effect on decoded quantized transform coefficients and performing inverse quantization.

Regarding claim 7, in Dischert et al., figure 10A shows that in mixer 80, a video signal comprising transform coefficients is first scaled by a fading coefficient J or K before being mixed with another video signal. It is respectfully submitted that either a fading coefficient that is multiplied by a first signal or a second signal that is added to the multiplied first signal may be considered the claimed "editing data" according to the present invention.

Regarding claim 8, Dischert et al. discloses that video data may be faded to black as part of a transition sequence (column 7, lines 5-9).

Regarding claim 9, Dischert et al. discloses that video data may be faded to black as part of a transition sequence (column 7, lines 5-9).

Regarding claim 10, Dischert et al. only teaches a fade to black. However, it would have been a matter of obvious design choice to one having ordinary skill in the art to fade to any desired color, since the applicant has not disclosed that fading to any arbitrary color, including white, solves any stated problem or is for any particular purpose, and it appears the invention would perform equally well with fading to white.

Regarding claim 13, figure 8 of Dischert et al. discloses dequantizer 82 in a video mixer that produces dequantized transform coefficients (column 6: line 40). This corresponds with the claimed "inverse quantizer". These transform coefficients are then combined with transform coefficients from another source in mixer 80 (column 6: lines

40-47) to produce a fade effect. Then, mixer 80 corresponds with the claimed "summer", and the mixed signal corresponds with the claimed "further data".

Regarding claim 14, figure 8 of Dischert et al. discloses variable quantizer 62 that performs quantizing on the mixed signal (column 6: line 26).

Regarding claim 15, in Christopolous et al., a decoder such as for example one shown in the transform-domain transcoder of figure 9 includes a transform domain motion compensation module TD/MC. In the combination with Dischert et al., this would be added to the datapath of figure 8 after dequantizer 82. Then, this motion compensation module corresponds with the claimed "predictor", and the DCT 60 of Dischert et al., which would provide "editing data" relative to the partially decoded data, corresponds with the claimed "transform module".

Regarding claim 16, in Dischert et al., figure 10A shows that in mixer 80, a video signal comprising transform coefficients is first scaled by a fading coefficient J or K before being mixed with another video signal. It is respectfully submitted that either a fading coefficient that is multiplied by a first signal or a second signal that is added to the multiplied first signal may be considered the claimed "editing data" according to the present invention.

Regarding claim 17, summer 80 in Dischert et al. combines transform coefficients according to coefficients J and K which vary over time to produce the fade effect (column 7: lines 1-26). Then, coefficient J or K corresponds with the claimed "editing data" that produces a video effect "in a time domain".

Regarding claim 18, this claim, and dependent claims 19, 21-23, and 25, are in means-plus-function format and so 35 U.S.C. 112, sixth paragraph, applies. Then, these claims must be interpreted as particular to the structure disclosed in the specification. *In re Donaldson Co.*, 16 F.3d 1189, 29 USPQ2d 1845 (Fed. Cir. 1994). In the present case, the datapath of figures 8 and 10A of Dischert et al. comprising dequantizer 82, multiplier 104, adder 105, and quantizer 62 is considered analogous to the datapath of figure 4 of the present invention comprising inverse quantizer 20, multiplier 22, adder 24, and quantizer 26. In particular to the limitations of claim 18, ECC decoder 512 of Dischert et al., which extracts a digital video signal from a bitstream comprising audio and video data (column 5: lines 24-26) and provides the video signal to mixer 80 (column 6: lines 29-34), corresponds with the claimed means for providing a bitstream indicative of video data, considered as demultiplexer 10 in figure 4 of the present invention, and mixer 80, which performs a partial decoding to the DCT coefficients and combines the digital video with a fading coefficient and another video bitstream to produce a fade effect corresponds with the claimed means for obtaining transform coefficients and combining editing data to produce a modified bitstream, considered as editing module 5 in figure 4 of the present invention.

Regarding claim 19, dequantizer 82 of Dischert et al. corresponds with the claimed inverse quantization module.

Regarding claim 21, mixer 80 of Dischert et al. corresponds with the claimed combining module.

Regarding claim 22, the examiner takes Official Notice that video cameras were well-known at the time of the invention as a source for providing video data, such as to an analog/digital interface of Dischert et al.

Regarding claim 23, Christopoulos et al. teaches that it was known to input digital video from a receiver (column 9, lines 11-13, 19-35)

Regarding claim 25, since the specification of the present invention does not describe or limit the structure of a storage medium (column 14: lines 21-23), the video cassette of Dischert et al. is considered to be encompassed by the claimed means for storing a video signal.

Regarding claim 27, at least Christopolous et al. may be implemented in hardware or software (column 8: lines 31-32, 66-67).

Regarding claim 28, in Dischert et al., a set of transform coefficients is multiplied by a fade coefficient J or K (column 6: line 67–column 7: line 11).

Regarding claim 29, in Dischert et al., two modified sets of transform coefficients are added to produce a final mixed video stream (column 7: lines 11-12).

Regarding claim 31, Dischert et al. discloses that video data may be faded to black as part of a transition sequence (column 7, lines 5-9).

10.   Claims 11-12 and 32 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dischert et al. in view of Christopoulos et al. as applied to claims 1 and 27 above, and further in view of US Patent 5,477,276A (Oguro). Although Dischert et al. teaches a video editor that performs basic operations such as a dissolve, a cross-fade, and a

fade to black on frequency-domain data, it does not teach advanced editing effects. Oguro teaches a DSP apparatus that performs advanced fading effects. Regarding the fade from one color to another in claims 11 and 32, Oguro can fade in or fade out to any arbitrary color (column 11, lines 22-27; lines 46-51). Regarding the fade to monochrome in claim 12, the fade system of Oguro may operate only on Y (luminance) values and not process C (chrominance) values, thus performing only black-and-white fade operations (column 11, lines 6-21).

Dischert et al., in combination with Christopoulos et al., discloses the claimed invention except for advanced fading techniques. Oguro teaches that it was known to perform fading techniques such as a fade to color or monochromatic fade. Therefore, it would have been obvious to one having ordinary skill of the art at the time the invention was made to apply the fading of Oguro to the editor of Dischert et al., since Oguro states in column 11, lines 29-51 that such a modification would simplify the circuitry needed in a fading device.

Conclusion

11.   **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the

shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to David N. Werner whose telephone number is (571)272-9662. The examiner can normally be reached on Monday-Friday from 10:00-6:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mehrdad Dastouri can be reached on (571) 272-7418. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/D. N. W./
Examiner, Art Unit 2621

/Dave Czekaj/

Primary Examiner, Art Unit 2621